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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

Shuder, et al.

Serial No. 09/982,211

Filed: October 17, 2001

For: Method and System for  
Processing Timecard  
Related Information in a  
Purchase Order  
Procurement System

§ Group Art Unit: 3627  
§  
§ Examiner: Jasmin, Lynda C.  
§  
§ Atty. Dkt. No.: 5681-90600  
§ P6552

<p style="text-align: center;">CERTIFICATE OF MAILING 37 C.F.R. § 1.8</p> <p>I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:</p> <p style="text-align: center;"><u>Robert C. Kowert</u> Name of Registered Representative</p> <p><u>July 11, 2005</u>      <u>[Signature]</u> Date                                  Signature</p>
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**APPEAL BRIEF**

**Mail Stop Appeal Brief - Patents**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

Further to the Notice of Appeal filed May 13, 2005, Appellants present this Appeal Brief. Appellants respectfully request that the Board of Patent Appeals and Interferences consider this appeal.

## **I. REAL PARTY IN INTEREST**

As evidenced by the assignment recorded at Reel/Frame 012684/0196, the subject application is owned by Sun Microsystems, Inc., a corporation organized and existing under and by virtue of the laws of the State of Delaware, and now having its principal place of business at 4150 Network Circle, Santa Clara, CA 95054.

## **II. RELATED APPEALS AND INTERFERENCES**

No other appeals, interferences or judicial proceedings are known which would be related to, directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

## **III. STATUS OF CLAIMS**

Claims 1-22 stand finally rejected. The rejection of claims 1-22 is being appealed. A copy of claims 1-22 as currently pending is included in the Claims Appendix herein below.

## **IV. STATUS OF AMENDMENTS**

No amendments to the claims have been submitted subsequent to the final rejection.

## **V. SUMMARY OF CLAIMED SUBJECT MATTER**

Independent claim 1 is directed to a system including a computer implemented procurement module for processing both purchase order requisitions for goods and timecard information for services. For example, the procurement module may be a software system composed of a timecard module integrated with a procurement management module. In some embodiments, the system may be HTML and/or web browser based so that timecard entry and generation can be performed over the Internet or a local area network (LAN). The procurement module includes a buyer module for

receiving information related to contract services and for generating an electronic timecard in response to receiving the information. For instance, the system may allow a contractor or buyer to generate a timecard including services descriptions and amounts. An approval notice may be generated in response to the timecard. In some embodiments, the approval notification may be an automatically generated email message. The approver may be able to approve or decline the timecard via the email message. If approved, the timecard information can be exported, such as through the use of XML, to other systems and services. The timecard information may be processed by the procurement system like any other purchase order item. *See, e.g.*, FIGs. 2, 3, 4A, 4B, 5, 8, 9 and 10; p. 4, line 2 – p. 5, line 18; p. 6, lines 2 – 15; p. 8, line 10 – p. 9, line 5; p. 10, line 11 – p. 12, line 7; p. 20, line 2 – p. 21, line 3; p. 23, lines 5 – 13; p. 22, line 6 – p. 24, line 5; p. 26, line 7 – p. 27, line 8; and p. 28, lines 6 - 15.

The procurement module also includes a timecard module for receiving electronic timecards from the buyer module and for generating a purchase order based on approved electronic timecards. The purchase order may be for use in generating a payment for the contractor services. For instance, in one embodiment, an integrated procurement system may process contractor timecard data and purchase order requisitions for goods. For example, the base architecture of the integrated procurement system may include data structures, object classes, and/or base-level object that may include a base set of functionality that may be extended and used by a timecard module within the integrated procurement system. In another embodiment, approved timecard information may be formatted using XML and may then be transmitted to an external payroll service for generating payment to the contractor. *See, e.g.*, FIGs. 2, 3, 4A, 4B, 5, 8, 9 and 10; p. 10, lines 1-7; p. 21, lines 5 – 16; and p. 23, line 5 – p. 24, line 4.

Independent claim 11 is directed to a method of approving an electronic timecard including generating an electronic timecard including line items describing a contractor, services rendered, hourly amounts, and hourly rates. For example, an integrated procurement system may allow an administrator to create a timecard projects table that lists all the projects to may be associated with individual timecard entries, such as project

name, description, the types of hours that are allowed for a particular project, etc. A contractor profile may include data regarding each contractor, such as contractor name, company, any projects the contractor is approved to work on, and the type of work the contractor is approved to perform, the contractor rate and type of currency. To generate a timecard, a contractor may enter timecard information, such as number of hours worked, type of work performed, dates/times work was performed. Each timecard contains separate line items and each line item includes a description of activity, amount of hours and an hourly rate. *See, e.g.*, FIGs. 2, 3, 4A-C, 5 and 8; p. 8, lines 1 – 7; p. 9, line 7 – p. 10, line 5; p. 19, lines 7 – 16; p. 23, line 4 – p. 24, line 5; and p. 31, lines 1-9.

The method of claim 11 also includes generating a notification to an approver associated with the contractor in response to generating the electronic timecard. In one embodiment, the generation of a timecard, as described above, triggers the generation of a notification to an approving entity. The notification includes an approval form and information related to the electronic timecard. For instance, the procurement system may automatically generate and deliver a notification using an email message including all the information relating to the timecard. Additionally, an email notification may include a special form allowing the approver to either approve or decline all or part of the timecard information. The form may be automatically forwarded, such as via email, back to the procurement system in a manner transparent to the approver. *See, e.g.*, FIGs. 2, 3, 4A-C, 5 and 8; p. 4, line 17 – p. 5, line 8; p. 8, line 1 – p. 9, line 5; p. 21, lines 5 – 13; p. 24, line 7 – p. 25, line 9; p. 28, line 4 – p. 29, line 12; and p. 33, line 12 – p. 34, line 7.

Additionally, the method may include, in response to receiving the approval form indicating approval of the timecard, generating a purchase order comprising information from the timecard. In one embodiment, after a timecard is approved, as discussed above, a completed notification form may be transmitted back to the procurement system, such as via email, where the approved timecard data may be processed and a purchase order may be generated. *See, e.g.*, FIGs. 2, 3, 4A, 4B, 5, 8, 9 and 10; p. 10, lines 1-7; p. 21, lines 5 – 16; p. 23, line 5 – p. 24, line 4; and p. 28, line 4 – p. 29, line 5.

The method may also include transmitting the purchase order to execute payment to the contractor of the timecard. For example, as noted above, the procurement system may also utilize external payroll applications and may forward the approved timecard data to an external application for generating payment. Approved timecard data may be processed by generating XML formatted timecard information that may be exported to an external payroll service for payment to the contractor. *See, e.g.*, FIGs. 2, 3, 4A - C, 5, 8, 9 and 10; p. 6, lines 1 - 15; p. 8, lines 1 - p. 9, line 5; p. 19, lines 8 - 18; p. 25, line 11 - p. 26, line 18; and p. 34, lines 9 - 18.

The method, as described above, may be performed by a procurement system integrating both purchase order requisitions for goods and timecard information and services. For instance, a computer software tool for processing timecard related information might be part of purchase order procurement system. For example, the software tool may include a timecard module integrated with other procurement management modules. The base architecture of an integrated procurement system may include data structures, object classes, and/or base-level object that may include a base set of functionality that may be extended and used by a timecard module within the integrated procurement system. In one embodiment, the integrated procurement system may include an HTML-based mechanism for contractor timecard input. Thus, contractors can access the system, such as to enter timecard data, using the Internet or World Wide Web. The same integrated procurement system may also include mechanisms for approval of a contractor request for payment, for generating purchase orders from approved timecard information, and for generating payment, possibly via an external payroll service. *See, e.g.*, FIGs. 1, 2, 3, 4A - C, 5, 8, 9 and 10; p. 4, line 11 - p. 5, line 8; p. 5, lines 10 - 18; p. 6, line 2 - p. 7, line 6; p. 8, line 10 - p. 9, line 5; p. 16, lines 5 - 14; and p. 18, line 16 - p. 19, line 18.

Independent claim 17 is directed to a computer system that includes a processor and a memory both coupled to a bus. The memory includes instructions that when executed implement the method of approving an electronic timecard as described above regarding claim 11. Please see the discussion of claim 11 above for more details.

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

1. Claim 1 stands finally rejected under 35 U.S.C. § 102(b) as being anticipated by Huff et al. (U.S. Patent 4,383,298) (hereinafter "Huff").

2. Claims 1-22 stand finally rejected under 35 U.S.C. § 102(e) as being anticipated by Haney (U.S. Publication 2001/0051889).

## **VII. ARGUMENT**

### **First Ground of Rejection:**

Claim 1 stands finally rejected under 35 U.S.C. § 102(b) as being anticipated by Huff et al. (U.S. Patent 4,383,298) (hereinafter "Huff"). Appellants traverse this rejection for at least the following reasons.

### **Claim 1:**

Huff does not disclose a computer implemented procurement module for processing both purchase order requisitions for goods and timecard information for services, the procurement module comprising: a buyer module for receiving information related to contract services and for generating an electronic timecard in response thereto, and a timecard module receiving electronic timecards from the buyer module and for generating a purchase order based on approved electronic timecards, the purchase order for use in generating a payment for the contractor services. The Examiner cites column 6, line 43 through column 7, line 10. However, the cited passage does not describe generating electronic timecards or generating a purchase order based on approved electronic timecards. Instead, Huff teaches a database for storing information pertaining to various aspects of plant maintenance (Huff -- Abstract). The time cards mentioned in Huff (e.g., col. 6, lines 4-11) are physical (i.e. paper) time cards. Huff teaches that information from physical time cards may be entered into the database for use by a

maintenance analyst in analyzing new maintenance requests (e.g., col. 6, lines 24-45). However, Huff does not teach generating an *electronic timecard* in response to receiving information related to contract services. Nor does Huff teach generating a purchase order based on approved electronic timecards. There is no mention at all in Huff in regard to approving an electronic timecard. Moreover, the only purchase orders mentioned in Huff pertain to purchasing materials needed for a plant maintenance repair job (col. 6, lines 46-55). The purchase orders mentioned in Huff are clearly not based on approved electronic timecards.

The Examiner argues that the system of Huff includes "SUBMOD that generates labor time card, purchase orders, the repair history cards, the actual job scheduling and working being indicated in state 20 in the flowchart of FIG. 1". However, the Examiner's interpretation of Huff is clearly incorrect. At column 4, lines 46-50, Huff defines the term "SUBMOD" as "a functional group of components such as a pump and the motor which drives the pump, which group is assigned a service number." Thus, SUBMOD clearly refers to materials to be purchased in Huff. Therefore, Huff's SUBMOD cannot be considered a procurement module comprising a buyer module for generating an electronic timecard. Nowhere does Huff mention generating an electronic timecard. Instead, Huff only mentions that estimated labor expenses may be included in Huff's database complex 60 to support subsequent queries by a maintenance analyst "so that he can have a complete detailed breakdown of all past maintenance repairs performed" (Huff, column 6, line 63-column 7, line 10; and column 6, lines 12-23).

In the Response to Arguments section of the Final Office Action, the Examiner argues that Huff anticipates a computer implemented buyer module for generating electronic timecards and for generating purchase orders based on approved electronic timecards. In support of this assertion, the Examiner states that Huff discloses a system to provide on-line editing and updating of maintenance request orders and further discloses a program by which inquiries can be made concerning detail information about the maintenance labor used to support a maintenance request. However, generating maintenance request orders and querying a database for information regarding past

maintenance labor use cannot be considered generating electronic timecards or purchase orders based on approved electronic timecards. Thus, the functions of Huff's system cited by the Examiner have no relevance to the generation of electronic timecards and purchase orders based on approved electronic timecards.

### **Second Ground of Rejection:**

Claims 1-22 stand finally rejected under 35 U.S.C. § 102(e) as being anticipated by Haney (U.S. Publication 2001/0051889). Appellants traverse this rejection for at least the following reasons. Different groups of claims are addressed under their respective subheadings.

#### **Claims 1-6:**

Haney fails to disclose a computer implemented procurement module for processing both purchase order requisitions for goods and timecard information for services. In contrast, Haney teaches a computer implemented system that pertains *solely to managing contract labor services*. The system of Haney has absolutely nothing to do with the procurement of goods (something manufactured or produced for sale).

As discussed in Appellants' Related Art section on p. 1 of the specification, existing computer controlled software systems that provide for the management of contract labor are stand-alone programs dedicated solely to the management of contract labor services. Haney is exactly the type of prior art referred to in Appellants' Related Art section. Haney's computer implemented system pertains solely to managing contract labor services. In contrast, Appellants' invention involves the integration of contract labor services management with a procurement system for procuring goods. Appellants' invention treats the contractor as a buyer requesting a purchase order for goods, but the buyer is requesting a purchase order in payment for his time worked. This allows the same approval process normally used for approving purchase requests for goods to also be used for approving the contractor's request for payment. Note that treating a contractor as a buyer is completely counter-intuitive from how the prior art manages



contractor services. The prior art, such as Haney, treats contractors as vendors, not buyers. In prior art contractor management systems, such as Haney, the organization hiring the contractor is considered to be the buyer. By reversing these roles, Appellants' invention allows the same procurement system that is used for procurement of goods to be used for managing contractor services. Such a system is not taught or suggested by any of the references cited by the Examiner.

Additionally, Haney does not disclose generating a purchase order comprising information from an electronic timecard in response to receiving an approval from indicating approval of the electronic timecard. Instead, purchase orders are generated in Haney's system as part of the contract labor request procurement process. Specifically, Haney generates a purchase order after selecting a candidate to perform desired contract services, but before the candidate is actually hired or performs any works and certainly before any electronic timecards are generated or approved. *See*, Haney, paragraphs [0021 – 0022] and [0030]. Since, in Haney's system timecards are generated after (at least portions of) the desired work is performed by the selected contractor and since the purchase order for the desired work was generated previous to the start of the contract work, Haney's purchase order not only does not, but cannot, include information from an electronic timecard. Thus, Haney teaches away from generating a purchase order comprising information from an electronic timecard in response to receiving an approval from indicating approval of the electronic timecard.

In the Response to Arguments section of the Final Action, the Examiner argues that Haney's system for managing contract labor activities is capable of performing both of the above stated tasks. Thus, the Examiner asserts that if the prior art is capable of performing the claimed function – even if not directly disclosed – it anticipates. The Examiner cites *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997). However, in *Schreiber* the court found that the limitations at issue were “inherent in the prior art reference” (emphasis added). Contrary to the situation in *Schreiber*, the limitations of claim 1 are not inherent in Haney. The software of Haney's computer system does not function the same as recited in claim 1. The Examiner also

refers to the old case *In re Casey*, 370 F.2d 576, 152 USPQ 235, 238 (CCPA 1967) to support his assertion that the limitations “for goods” and “for services” are functional or intended use language. First of all, “functional limitations” are not the same as intended use language. The courts have made this distinction very clear, as further explained below. The case *In re Casey* pertains to a machine that, in its intended use, works upon a specific material. The court in *Casey* noted that the machine of the prior art had *the same structure* as the claimed machine and was capable of working on *the same material*. However, the computer programmed as described in Haney is not capable of functioning as recited in claim 1 because its software does not work the same. Moreover, M.P.E.P. § 2115 states that the holding of *In re Casey* “is limited to claims directed to machinery which works upon an article or material in its intended use” (emphasis added). Since the present situation does not involve the same situation as *Casey*, the Examiner’s reliance on *Casey* is misplaced.

According to M.P.E.P. § 2173.05(g), “[a] functional limitation must be evaluated and considered, just like any other limitation of the claim” (emphasis added). The courts have held that a functional claim limitation was “perfectly acceptable [to distinguish over the prior art] because it set definite boundaries on the patent protection sought.” *In re Barr*, 444 F.2d 588, 170 USPQ 33 (CCPA 1971). The Examiner has provided no evidence showing that Haney’s system is capable of processing both purchase order requisitions for goods and timecard information for services. Nothing in Haney states or even implies that Haney’s system is capable of processing both purchase order requisitions for goods and timecard information for services. Disregarding specific software instructions, a computer system may be capable of performing a nearly infinite number and variety of functions, but it clearly does not anticipate the infinite number and variety of functions. A computer system configured with a specific set of software instructions (such as in Haney) is configured to perform only a finite set of functions (the functions described in Haney). The Examiner’s assertions that Haney’s computer system anticipates a computer implemented procurement module for processing both purchase order requisitions and timecard information, even though no evidence is present that Haney’s system is configured to operate on purchase order requisitions, is clearly an

incorrect application of Haney. Haney's system is not described as being capable of functioning as recited in claim 1. Nor is such functionality inherent in Haney's system. Therefore, Haney cannot be said to anticipate claim 1.

**Claim 7:**

In regard to claim 7, Haney does not teach an external report generating module for generating information to be used by external applications and wherein the information is formatted using XML data. The Examiner refers to paragraph [0036] in Haney, which describes his system as web-based, using E-mail and a web browser. However, this portion of Haney does not mention anything regarding external applications using information *formatted in XML*.

In the Response to Arguments section of the Final Action, the Examiner states that a web browser is software that lets a user view HTML documents and that both HTML and XML are markup languages. However, Haney only teaches that a web browser may be used to "present information" (Haney, paragraph [0036]). Nowhere does Haney describe an external report generating module generating information formatted using XML data.

Furthermore, the use of XML is not inherent in Haney. "Inherent anticipation requires that the missing descriptive material is 'necessarily present,' not merely probably or possibly present, in the prior art." *Trintec Indus., Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 1295, 63 USPQ2d 1597, 1599 (Fed. Cir. 2002) (quoting *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999)). The use of XML is not "necessarily present" or required in all web browser software. For example, a web browser may function using only HTML and never use XML. The Examiner has not shown that XML is inherent or necessarily present in Haney's system. Therefore, Haney cannot be said to anticipate claim 7.

**Claim 8:**

With regard to claim 8, Haney does not disclose an electronic timecard comprising a plurality of line items describing said contractor services including: a contractor identification; a description of services rendered; an amount of hours performed for said services rendered; an hourly rate for the hours; and subtotals representing the amount of hours by the hourly rate. The Examiner refers to Haney's FIG. 6, which indicates fields such as Vendor Name, Consultant Name, Social Security Number, etc. However, FIG. 6 of Haney does not indicate several of the specifically listed information fields such as a description of serves rendered, an hourly rate for the hours and subtotals representing said amount of hours by said hourly rate. Instead, Haney teaches a timesheet that includes a consultant's supervisor and project names, as well as account codes for the project. Haney describes how a consultant may enter the days and times worked. *See*, Haney, paragraph [0054]). However, nowhere does Haney describe that timecard line items include description of services rendered, an hourly rate, or subtotals representing the amounts of hours by the hourly rate. Thus, Haney clearly does not anticipate claim 8. Appellants note that in the Final Action the Examiner failed to provide any rebuttal to this argument.

#### **Claim 9:**

Regarding to claim 9, Haney does not disclose a contractor profile for a contractor, the contractor profile including: a contractor identification; authorized projects for the contractor; authorized work types for the contractor; an authorized hourly rate for the contractor; and an approver for the contractor. The Examiner refers to FIG. 4 and paragraphs [0049-51] in Haney. Haney's FIG. 4 depicts his contract labor request form including fields such as CLROrder No., Manager, Location, Phone Number, etc. However, none of the cited portions of Haney, nor any other portion of Haney, mention a contractor profile or the specific listed information fields: contractor identification; authorized projects for said contractor; authorized work types for said contractor; an authorized hourly rate for said contractor; and an approver for said contractor. Appellants note that the Examiner has failed to provide any rebuttal to Appellants' argument above.

**Claim 10:**

In regard to claim 10, Haney does not disclose an approval notification comprising information from the electronic timecard and an accounting code associated with each line item of the electronic timecard. The Examiner refers to fields 614-616 of FIG. 6 in Haney. However at paragraph [0054], Haney states that fields 614-616 of FIG. 6 of the time sheet form contain account codes for a *particular project*, and FIG. 6 clearly shows a plurality of work segment line items for which no account codes are provided. Therefore, there is no teaching in Haney regarding an accounting code *associated with each line item* of an electronic timecard. Furthermore, the time sheet form illustrated in FIG. 6 of Haney is not an approval notification. Haney teaches that after a timesheet is submitted, the timesheet is relayed to the hiring manager for approval. Thus, rather than disclosing an approval notification comprising information from an electronic timecard, Haney teaches sending the actual time sheet to a manager for approval.

Appellants note that in the Final Action the Examiner failed to provide any rebuttal of this argument.

**Claim 11-14 and 17-20:**

As described above regarding claim 1, Haney fails to disclose a computer implemented procurement module for processing both purchase order requisitions for goods and timecard information for services. In contrast, Haney teaches a computer implemented system that pertains *solely to managing contract labor services*. The system of Haney has absolutely nothing to do with the procurement of goods (something manufactured or produced for sale).

Additionally as described above, Haney does not disclose generating a purchase order comprising information from an electronic timecard in response to receiving an approval from indicating approval of the electronic timecard. Instead, purchase orders are generated in Haney's system as part of the contract labor request procurement

process. Specifically, Haney generates a purchase order after selecting a candidate to perform desired contract services, but before the candidate is actually hired or performs any works and certainly before any electronic timecards are generated or approved. (see, e.g. paragraphs [0021] and [0030]). As timecards are generated after (at least portions of) the desired work is performed by the selected contractor and since the purchase order was generated previous to the start of the contract work, Haney's purchase order not only does not, but also cannot, include information from an electronic timecard. Thus, Haney teaches away from generating a purchase order comprising information from an electronic timecard in response to receiving an approval from indicating approval of the electronic timecard.

Furthermore, Haney's system does not include a procurement system integrating both purchase order requisitions for goods and timecard information and services. The Examiner has provided no evidence showing that Haney's system is capable of processing both purchase order requisitions for goods and timecard information for services. As described above regarding claim 1, nothing in Haney teaches or implies that Haney's system is capable of processing both purchase order requisitions for goods and timecard information for services. Disregarding specific software instructions, a computer system may be capable of performing a nearly infinite number and variety of functions, but it clearly does not anticipate the infinite number and variety of functions. A computer system configured with a specific set of software instructions (such as in Haney) is configured to perform only a finite set of functions (the functions described in Haney). The Examiner's assertions that Haney's computer system anticipates a computer implemented procurement module for processing both purchase order requisitions and timecard information, even though no evidence is present that Haney's system is configured to operate on purchase order requisitions, is clearly an incorrect application of Haney. Haney's system is not capable of functioning as recited in claim 1.

Therefore, Haney cannot be said to anticipate claim 1. For a more detailed discussion regarding Haney's failure to teach a system is capable of processing both purchase order requisitions for goods and timecard information for services, please refer

to Appellants' arguments above regarding claim 1.

**Claim 15 and 21:**

In regard to claim 15, Haney does not teach a notification comprising accounting code associated with line items of the electronic timecard. The Examiner refers to fields 614-616 of FIG. 6 in Haney. However at paragraph [0054], Haney states that fields 614-616 of FIG. 6 of the time sheet form contain *account codes* for a particular project, and FIG. 6 clearly shows a plurality of work segment line items. Thus, there is no teaching in Haney regarding an accounting code *associated with line items* of an electronic timecard. Furthermore, the time sheet form illustrated in FIG. 6 of Haney is not an approval notification. Thus, Haney clearly fails to anticipate claim 15. For more information regarding Haney's failure to disclose a notification including accounting codes associated with line items of an electronic timecard, please see the discussion of claim 10 above.

**Claim 16 and 22:**

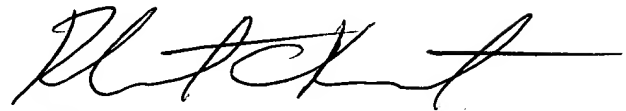
In regard to claim 16, Haney does not teach where transmitting a purchase order to execute payment to a contractor of a timecard is performed using XML data. The Examiner refers to paragraph [0036] in Haney, which describes his system as web-based, using E-mail and a web browser. However, this portion of Haney does not mention anything regarding an external application using information *formatted in XML*. As described above regarding claim 7, the Examiner states that a web browser is software that lets a user view HTML documents and that both HTML and XML are markup languages. Nowhere does Haney describe an transmitting a purchase order using XML data. Furthermore, as shown above, the use of XML is not inherent in Haney. Thus, Haney clearly cannot be said to anticipate claim 16. For a more detailed discussion regarding Haney's failure to teach the use of XML, please see Appellants' arguments above regarding claim 7.

### VIII. CONCLUSION

For the foregoing reasons, it is submitted that the Examiner's rejection of claims 1-22 was erroneous, and reversal of her decision is respectfully requested.

The Commissioner is authorized to charge the appeal brief fee of \$500.00 and any other fees that may be due to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-79200/RCK. This Appeal Brief is submitted with a return receipt postcard.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Kowert', with a long horizontal stroke extending to the right.

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Date: July 11, 2005



## **IX. CLAIMS APPENDIX**

The claims on appeal are as follows.

1. A system comprising:
  - a computer implemented procurement module for processing both purchase order requisitions for goods and timecard information for services, said procurement module comprising:
    - a buyer module for receiving information related to contractor services and for generating an electronic timecard in response thereto; and
    - a timecard module receiving electronic timecards from said buyer module and for generating a purchase order based on approved electronic timecards, said purchase order for use in generating a payment for said contractor services.
2. A system as described in Claim 1 wherein said computer implemented procurement module further comprises a workflow module coupled to said timecard module for use in allowing an approver to approve and decline said electronic timecards.
3. A system as described in Claim 2 wherein said timecard module generates an approval notification in response to receiving an electronic timecard from said buyer module.
4. A system as described in Claim 3 wherein said approval notification is an electronic mail message comprising an approval form readable by said workflow module, said electronic mail message transmitted to an approver related to said contractor services.

5. A system as described in Claim 4 wherein said approval form is readable by an electronic mail program and is returned to said computer implemented procurement system after being completed by said approver.

6. A system as described in Claim 2 wherein said buyer module is browser based and wherein said procurement module is hosted on a remote server system.

7. A system as described in Claim 2 wherein said computer implemented procurement system further comprises an external report generating module for generating information to be used by external applications and wherein said information is formatted using XML data.

8. A system as described in Claim 2 wherein said electronic timecard comprises a plurality of line items describing said contractor services and comprising:

a contractor identification;

a description of services rendered;

an amount of hours performed for said services rendered;

an hourly rate for said hours; and

subtotals representing said amount of hours by said hourly rate.

9. A system as described in Claim 2 wherein said timecard module comprises a contractor profile for a contractor, said contractor profile comprising:

a contractor identification;

authorized projects for said contractor;

authorized work types for said contractor;

an authorized hourly rate for said contractor; and

an approver for said contractor.

10. A system as described in Claim 3 wherein said electronic timecard comprises a plurality of line items and wherein said approval notification comprises information from said electronic timecard and an accounting code associated with each line time of said electronic timecard.

11. A method of approving an electronic timecard comprising:

- a) generating an electronic timecard comprising line items describing: a contractor; services rendered; hourly amounts; and hourly rates;
- b) in response to a), generating a notification to an approver associated with said contractor, said notification comprising an approval form and information related to said electronic timecard;
- c) in response to receiving said approval form indicating approval of said timecard, generating a purchase order comprising information from said timecard; and
- d) transmitting said purchase order to execute payment to said contractor of said timecard, wherein a) - d) are performed by a procurement system integrating both purchase order requisitions for goods and timecard information and services.

12. A method as described in Claim 11 wherein a) is performed by a buyer

using a browser based computer system and wherein said procurement system is hosted on a remote server from said buyer.

13. A method as described in Claim 11 wherein said notification is a first electronic mail message transmitted to said approver and stored in an electronic mailbox.

14. A method as described in Claim 13 further comprising transmitting said approval form from said approver to said procurement system via a second electronic mail message.

15. A method as described in Claim 13 wherein said notification comprises accounting codes associated with said line items of said timecard.

16. A method as described in Claim 11 wherein d) is performed using XML data.

17. A computer system comprising:

a processor coupled to a bus;

a memory coupled to said bus and comprising instructions that when executed implement a method of approving an electronic timecard comprising:

a) generating an electronic timecard comprising line items describing: a contractor; services rendered; hourly amounts; and hourly rates;

b) in response to a), generating a notification to an approver associated with said contractor, said notification comprising an approval form and information related to said electronic timecard;

c) in response to receiving said approval form indicating approval of said timecard, generating a purchase order comprising information from said timecard; and

d) transmitting said purchase order execute payment to said contractor of said timecard, wherein a) - d) are performed by procurement system integrating both purchase order requisitions for goods and timecard information for services.

18. A computer system as described in Claim 17 wherein a) is performed by a buyer using a browser based computer system and wherein said procurement system is hosted on a remote server from said buyer.

19. A computer system as described in Claim 17 wherein said notification is a first electronic mail message transmitted to said approver and stored in an electronic mailbox.

20. A computer system as described in Claim 19 wherein said method further comprises transmitting said approval form from said approver to said procurement system via a second electronic mail message.

21. A computer system as described in Claim 19 wherein said notification comprises accounting codes associated with said line items of said timecard.

22. A computer system as described in Claim 17 wherein d) is performed using XML data.

**X. EVIDENCE APPENDIX**

No evidence submitted under 37 CFR §§ 1.130, 1.131 or 1.132 or otherwise entered by the Examiner is relied upon in this appeal.

**XI. RELATED PROCEEDINGS APPENDIX**

There are no related proceedings.